



Agricultural Land Commission Staff Report

DATE: February 8, 2010
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Martin Collins

RE: Application # 50405

PROPOSAL: To extract gravel from an 7.2 ha area (currently in hay production). The proposal is an expansion of an existing, adjoining gravel pit; 800,000 cubic meters will be removed to a depth of 16 meters. Reclamation is proposed.

PROPOSAL INFORMATION

Background: The proposed extraction will take place in three phases over a 15 year period.
Received Date: Each phase will remove two lifts of approx. 8m depth per lift, over an area of approx. 20,000 m3
Applicant: August 14, 2009
Agent: Elkhorn Ranch Ltd
Local Government: Interoute Construction Ltd
Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 006-620-752
Legal Description: District Lot 108, Block B, Kootenay District, Plan 1386
Civic Address: Elkhorn Ranch, south of Windermere
Area: 96 ha
ALR Area: 96 ha
Purchase Date:
Owner: Elkhorn Ranch Ltd

Total Land Area: 96 ha
Total ALR Area: 96 ha
Current Land Use: Irrigated hayfield.

PROPOSAL DETAILS

Soil Change

Area	Agricultural Capability	Agricultural Capability Source
7.2	Prime	CLI

Activity	Volume (m3)	Depth (m)	Material Description
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Description of Equipment to be used: Loader truck

Reclamation plan prepared by Professional Agrologist: No

Reclamation Measures: All topsoil will be stripped and stockpiled on-site separately to all other material prior to any disturbance of the land. At the completion of mining, all slopes will be trimmed to a consistent slope of 4:1 with local granular material as per mining regulations. Top soils will be spread back over the surface of the quarried area upon reclamation of the site at the completion of mining

Project End Date: August 18, 2024

Surrounding Land Uses:

North Windermere Creek and ravine. (

East Cultivated farmland (Elkhorn Ranch)

South Windermere Loop Road, then I.R. No. 3 Columbia Lake Kootenay District

West "Hidden Valley Pit" - owned by Skandia Concrete Kootenay Paving, a Division of Interoute Construction Ltd.

Official Community Plan

Bylaw Name: Lake Windermere OCP

Designation: Rural Resource RR

OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Upper Columbia Zoning bylaw

Zoning Designation: A-2

Minimum Lot Size: 8.0 ha

Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 42120

Applicant: Elkhorn Ranch Ltd.

Proposal: To exclude 24 ha of land from the ALR so the land can become rural residential subdivisions.

Decisions:

Resolution Number	Decision Date	Decision Description
575	August 9, 2005	To exclude the 24.0 ha area in accordance with the conditions for development as stipulated in Resolution #230/2004 (File #L-34347).

Note: The areas approved for subdivision have limited agricultural potential. Other areas remain actively used for agriculture (pasture, hayland)

RELEVANT APPLICATIONS

Application #: 21834

Applicant: S.K. Wenger

Proposal: Remove 140,000 cubic metres of soil to a maximum depth of 12 metres

Decisions:

Resolution Number	Decision Date	Decision Description
133	July 7, 1982	Allowed with conditions

Note: This application was the latest in a series of gravel extraction applications beginning in 1978, all of which were refused by the Commission.

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Approve	RDEK planning staff support the proposal subject to reclamation.
Board/Council	Approve	Regional District of East Kootenay Board supports the gravel extraction.
Advisory Planning Committee	Approve	The APC for Areas F & G support the application subject to a specific plan to reclaim the completed site.

STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) The 7.2 ha area proposed for gravel extraction is used for hay production. It is the westerly edge of an irrigation circle pivot. The land has very good capability for agricultural use (improvable to CLI class 2x)
- 2) Although the applicant indicates that the land will be reclaimed for agricultural uses, much of the finish grade will be sloped (4:1) and could not be irrigated in conjunction with the upland area.
- 3) Although the life of the pit is for 15 years, there is no certainty that additional hayland will not be requested beyond this period.
- 4) Previous applications on the adjoining gravel pit indicate that the Commission repeatedly refused gravel extraction applications until Cabinet approved the gravel extraction use in 1980. The Commission was then compelled set terms and conditions of use, indicating that reclamation was required. There is no evidence that reclamation has occurred, or is being planned. Commission records indicate that no bond is held by the Commission to ensure reclamation.
- 5) If conditional approval is being considered, both substantial bonding should be required, as should reclamation of part or all the adjoining depleted pit (as per the Commission's original intention).
- 6) In a letter dated November 7, 2009 the Windermere District Farmer's Institute indicates that it opposes the creation of the gravel pit, because it would severely impact the agricultural viability of Elkhorn Ranch.

ATTACHMENTS

- 50405 sketch plan.pdf
- 50405 airphoto.pdf
- 50405_ContextMap20k.pdf

END OF REPORT

Signature

Date
